

REMARKS/ARGUMENTS

These Remarks are responsive to the Office Action mailed December 23, 2003 (the "Office Action"). The Applicants respectfully request reconsideration of the claim rejections for at least the reasons enumerated herein.

SUMMARY OF TELEPHONE INTERVIEW

On Thursday, January 15, 2003, the Applicants undersigned representative telephoned the Examiner to discuss the Examiner's citation of certain portions of Lewis (U.S. Pat. No. 6,513,019) to the claims of the application. In particular, the Applicants representative noted that certain citations in the Office Action appeared to be somewhat incongruous; for example, Figures "3A" and "3B" were cited against claims 2 and 21, but Lewis only has a Figure "3." In the telephone interview, the Examiner suggested that the citation to Lewis was correct, and noted that a proper basis for each rejection is found within Lewis at the cited locations and/or elsewhere therein. The Applicants extend their thanks to the Examiner for granting the telephone interview.

STATUS OF THE CLAIMS

Claims 1-38 are pending in the application. By this amendment, claims 1, 10, 11, 14 and 20 are amended.

COMMENTS REGARDING AMENDMENTS

The specification has been amended to correct minor typographical errors. No new matter is added by these amendments.

Claim 1, 10, 11 and 14 (and the remainder of claims 1-19 by dependency thereon), have been amended to address the Examiner's 35 U.S.C. § 101 rejection of claims 1-19 for allegedly failing to recite statutory subject matter. Support for these amendments is found in the specification as filed in Figure 1 and elsewhere. These amendments are rather intended to address formal issues and do not effect the scope or meaning of the claims.

Claim 20 is amended to correct an obvious grammatical error, and does not relate to or effect the scope or meaning of the claims.

REJECTIONS UNDER 35 U.S.C. § 101

The Examiner rejected claims 1-19 for allegedly failing to recite statutory subject matter. As noted above, claims 1, 10, 11 and 14 have been amended to address this rejection, and reconsideration and withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102(e)

The Examiner rejected claims 1-38 under 35 U.S.C. § 102(e) as allegedly being anticipated by Lewis (U.S. Pat. No. 6,513,019). As explained below, the Applicants respectfully traverse and request reconsideration of the rejection.

Anticipation under 35 U.S.C. § 102(e) occurs when "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987); *see also* M.P.E.P. § 2131. Applicants respectfully submit that Lewis fails to anticipate the claims of the present invention because it fails to disclose, either expressly or inherently, the element of an "account metric including a weighting according to at least a *change in level of currency* of the account" as recited in independent claims 1 and 20.

The present invention provides a system and method for supervising account management operations. For example, in one embodiment, the invention is used to supervise customer service representatives (CSRs) that are attempting to secure payment of overdue financial accounts. Part of the invention includes generating an account metric that is based, in part, on the degree of "currency" of the account. It should be appreciated that the degree of "currency," as that term is used in the present application, refers to how delinquent the account is (*e.g.*, one month overdue, two months overdue, etc.). *See* Specification p. 4, ll. 3-13. The degree of delinquency is also known as the level of "currency," and is often measured in units called "buckets." *Id.*

For example, an account that is two months overdue may be in the second "bucket" (assuming the degrees of currency are measured on a month-to-month basis). Note that the term "currency" is not used in the present application to refer to the amount of money in the account or the particular "currency" — that is, U.S. Dollars, English Pounds, etc. — of the money in the account.

In light of this understanding of the terms of art as they are used in the application, it will be understood that claims 1 and 20, the only independent claims, both recite a system that uses the account's degree of currency — that is, the measure of how overdue the account is — when developing an account metric associated with the account. Specifically, claims 1 and 20 recite the element or step of generating an "account metric including a weighting according to at least a *change in level of currency* of the account." Using this account metric, the system serves as a useful tool for measuring the performance of CSRs, as described in the Specification at page 13, line 6 to page 14, line 14 and elsewhere. For example, it is described in the Specification that a CSR that secures payment of \$5,000 from an account having a currency status of "2" (*i.e.*, Bucket 2) to thereby change the status of the account to have a currency of "1" (*i.e.*, Bucket 1) would receive 5,000 points, whereas a CSR that secures a payment of \$2,000 from an account having a currency status of "3" (*i.e.*, Bucket 3) to thereby make the account current (*i.e.*, Bucket 0) would receive 6,000 points.

In the Office Action, the Examiner alleges that Lewis discloses the claimed element of generating an account metric based on the change in level of currency of an account, and cites to col. 5, lines 19-30 and Figures 2, 7, 9 and the associated text of Lewis in support of this allegation. However, the Applicants have been unable to identify any disclosure in Lewis (in the cited portions or elsewhere) that discloses consideration of the *degree of currency* of an account (*i.e.*, the measure of how *delinquent* or *overdue* the account is) when performing any kind of operation. As such, the Applicants respectfully traverse the Examiner's rejection of claims 1 and 20 and request reconsideration thereof. Furthermore, because the remaining claims depend from

claims 1 and 20, the foregoing discussion is equally applicable to those claims to overcome the rejections thereof.

CONCLUSION

The Applicants respectfully submit that the application is in condition for allowance, and reconsideration and notice of allowance are respectfully requested. If the Examiner believes that prosecution might be advanced by discussing the application with Applicants' counsel, in person or over the telephone, Applicants' counsel would welcome the opportunity to do so.

It is believed that no fees are due with this response. However, in the event any fees are due, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

By: 

Michael P.F. Phelps
Registration No. 48,654

Hunton & Williams LLP
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
Telephone (202) 955-1500
Facsimile (202) 778-2201

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